

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86575117
LAW OFFICE ASSIGNED	LAW OFFICE 111
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86575117/large
LITERAL ELEMENT	DIVEO
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ARGUMENT(S)	
<p>The applicant respectfully submits this Request for Reconsideration after Final Action in response to the Office action dated September 6, 2015. In the Office action, the examiner maintained to refuse registration under Section 2(d) of the Trademark Act based upon U.S. Registration Nos. 3090543 and 3098427 (the "Cited Marks"). The applicant reiterates its response filed on August 31, 2015 in response to the first Office action dated June 26, 2015.</p> <p>Further, based upon the applicant's investigation, it appears that the Cited Marks have not been used in U.S. commerce and thus have been abandoned. Accordingly, the applicant plans to initiate a cancellation action against the Cited Marks.</p> <p>In light of the foregoing, the applicant respectfully submits that the examiner reconsider the refusal and allow the application to proceed to publication.</p>	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Irene Y. Lee/
SIGNATORY'S NAME	Irene Y. Lee
SIGNATORY'S POSITION	Attorney of record, California bar member
SIGNATORY'S PHONE NUMBER	310.826.7474
DATE SIGNED	03/07/2016
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Mar 07 19:29:09 EST 2016
TEAS STAMP	USPTO/RFR-XXX.XXX.X.XX-20 160307192909684769-865751 17-5509d9316679d651c9c34f e8b3be7efcff5351ab162bdb6 ea35bee931ee4e7887-N/A-N/ A-20160307191937721123

## **Request for Reconsideration after Final Action**

### **To the Commissioner for Trademarks:**

Application serial no. **86575117** DIVEO(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86575117/large>) has been amended as follows:

#### **ARGUMENT(S)**

**In response to the substantive refusal(s), please note the following:**

The applicant respectfully submits this Request for Reconsideration after Final Action in response to the Office action dated September 6, 2015. In the Office action, the examiner maintained to refuse registration under Section 2(d) of the Trademark Act based upon U.S. Registration Nos. 3090543 and 3098427 (the "Cited Marks"). The applicant reiterates its response filed on August 31, 2015 in response to the first Office action dated June 26, 2015.

Further, based upon the applicant's investigation, it appears that the Cited Marks have not been used in U.S. commerce and thus have been abandoned. Accordingly, the applicant plans to initiate a cancellation action against the Cited Marks.

In light of the foregoing, the applicant respectfully submits that the examiner reconsider the refusal and allow the application to proceed to publication.

#### **SIGNATURE(S)**

##### **Request for Reconsideration Signature**

Signature: /Irene Y. Lee/ Date: 03/07/2016

Signatory's Name: Irene Y. Lee

Signatory's Position: Attorney of record, California bar member

Signatory's Phone Number: 310.826.7474

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86575117

Internet Transmission Date: Mon Mar 07 19:29:09 EST 2016

TEAS Stamp: USPTO/RFR-XXX.XXX.X.XX-20160307192909684

769-86575117-5509d9316679d651c9c34fe8b3b

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/A-N/A-20160307191937721123